

## U.S. Department of Justice

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U.S. DISTRICT COURT E.D.N.Y.

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BROOKLYN OFFICE

October 3, 2005

The Honorable John Gleeson  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

s/John Gleeson

Re: Miguel D'Oliveira v. United States  
Civil Docket No. 05-4246 (JG)

Dear Judge Gleeson:

The government writes to respectfully request an extension of time within which it must file a return to the petition filed by Miguel D'Oliveira. The government's return to the petition is due on or before October 4, 2005.

Mr. D'Oliveira was indicted in this district for illegally reentering the United States. He pleaded guilty to this charge on January 30, 2004, and was initially sentenced to 44 months of incarceration on May 5, 2004. The defendant appealed his sentence to the Second Circuit. Although D'Oliveira's appeal was unsuccessful on the merits, the court remanded his case for resentencing pursuant to United States v. Crosby, 397 F.3d 103 (2d Cir. 2005). On August 5, 2005, this Court held a resentencing hearing in this case and adhered to the sentence it has previously pronounced.

The defendant now challenges his conviction and sentence pursuant to 28 U.S.C. 2255. The U.S. Attorney's Office received this petition on September 14, 2005, and a response is therefore due on October 4, 2005.


The government requests an extension of time within which it must file a response to this petition. The government has been preparing for a trial that was scheduled to begin on October 3, 2005, but was then adjourned to October 24, 2005. The

trial should last approximately two weeks. For this reason, the government respectfully requests that it be permitted to respond to this petition on or before December 9, 2005.

Respectfully submitted,

ROSLYNN R. MAUSKOPF  
United States Attorney

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cc: Miguel D'Oliveira